

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>07-111</u>
v.	:	DATE FILED: <u>3/6/07</u>
SAMUEL OSWALDO RIVERA-PADILLA,	:	VIOLATIONS:
a/k/a Samuel O. Rivera	:	18 U.S.C. § 922(g)(5)(A) (possession of a
	:	firearm by an illegal alien - 1 count)
	:	18 U.S.C. § 924(a)(1)(A) (making false
	:	statements to federal firearms licensee - 1
	:	count)
	:	18 U.S.C. § 911 (false claim to U.S.
	:	citizenship- 1 count)
	:	Notice of forfeiture

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about August 4, 2006, in Reading, in the Eastern District of Pennsylvania,
defendant

SAMUEL OSWALDO RIVERA-PADILLA,
a/k/a Samuel O. Rivera,

while being an alien illegally and unlawfully in the United States, knowingly possessed in and
affecting interstate and foreign commerce a firearm, that is, a Charles Daley, Model DDA 10-45,
.45 caliber handgun, serial number DA 00058, loaded with one live round.

In violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this information:

1. W.R.M. Associates, D/B/A The Gun Traders, located in Reading, Pennsylvania, was a federally licensed firearms dealer.
2. Federal firearm license (FFL) holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning that “making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”
5. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth, to ensure that the person is not prohibited from buying a firearm.
7. An alien illegally and unlawfully in the United States is a person prohibited by federal law from buying firearms.
8. On or about August 4, 2006, in the Eastern District of Pennsylvania,

defendant

**SAMUEL OSWALDO RIVERA-PADILLA,
a/k/a Samuel O. Rivera,**

in connection with the acquisition of a Charles Daley, Model DDA 10-45, .45 caliber handgun, serial number DA 00058, from W.R.M. Associates, D/B/A The Gun Traders, a FFL holder, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders' records, in that defendant SAMUEL OSWALDO RIVERA-PADILLA certified on the Form 4473 for the transaction that he was: (1) not an alien illegally in the United States, and (2) that he was a citizen of the United States of America, when in fact, as defendant knew, these statements were false and fictitious.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 4, 2006, in Reading, in the Eastern District of Pennsylvania,
defendant

**SAMUEL OSWALDO RIVERA-PADILLA,
a/k/a Samuel O. Rivera,**

an alien and a native and citizen of Honduras, falsely and willfully represented himself to be a
citizen of the United States.

In violation of Title 18, United States Code, Section 911.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(1)(A) set forth in this indictment, defendant

**SAMUEL OSWALDO RIVERA-PADILLA,
a/k/a Samuel O. Rivera,**

shall forfeit to the United States of America the firearm involved in the commission of these offenses, including, but not limited to:

- a. Charles Daley, Model DDA 10-45, .45 caliber handgun, serial number DA 00058.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney